



UNITED STATES MARINE CORPS

MARINE CORPS INSTALLATIONS PACIFIC

UNIT 35001

FPO AP 96373-5001

IN REPLY REFER TO:

5720

SJA/FOIA

29 Nov 18

Master Sergeant Daniel Melton
PSC 557 Box 490
FPO AP, 96379

Dear MSgt Melton:

SUBJECT: YOUR FOIA REQUEST - FILE DON-USMC-2019-000650

This letter is in response to your Freedom of Information Act (FOIA) request seeking a copy of a command investigation in which you are the subject. Your request was received by this office on October 22, 2018 and assigned to file number DON-USMC-2019-000650.

To ensure that you are granted the greatest access possible, your request was reviewed under both the Privacy Act (5 U.S.C. §552a) and the FOIA (5 U.S.C. §552).

We determined that portions of the records you requested contain information about other third parties. Pursuant to 5 U.S.C. §552a (a)(4) and Secretary of the Navy Instruction (SECNAVINST) 5211.5E, paragraph 23(c)(1), third party information is not "about you" and therefore does not constitute a "record" to which you have access rights under the Privacy Act. Non-exempt records that are about you and records that you provided are being released pursuant to the Privacy Act.

Information and documents which are not considered a Privacy Act "record," or are otherwise exempt under the Privacy Act, are processed for release under the FOIA. We have determined that portions of these documents are exempt from disclosure under the FOIA, as implemented by the Department of the Navy in SECNAVINST 5720.42F. Accordingly, your request has been partially denied as follows:

Under 5 U.S.C. §552 (b)(3), which covers information specifically exempted from disclosure by statute. 10 U.S.C. §130(b)(a)(1) establishes that the names, ranks, and duty addresses of military and Department of the Navy/Department of Defense civilian personnel assigned to units stationed in foreign territories are to be withheld under the FOIA. Therefore, we have excised this information from the releasable documents.

Under 5 U.S.C. §552 (b)(6), and SECNAVINST 5720.42F, enclosure (4), paragraph (f), certain records or information related to third parties which are found in "personnel and medical files and similar files" may be exempt from disclosure if release of the records or information would constitute a clearly unwarranted invasion of personal privacy. This includes, but is not limited to, the names of DON/DoD military and civilian personnel assigned to units stationed in foreign territories, addresses, birthdates, social security numbers, and any other personally identifiable information regarding third parties. Accordingly, we have redacted third party information from the releasable document.

You may consider this to be an adverse determination that may be appealed. You may do so via FOIAonline. To do this, log into your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to the Judge Advocate General (Code 14), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe

your appeal should be granted. I recommend that your appeal and its envelope both bear the notation, "Freedom of Information Act Appeal".

You also have the right to seek assistance and/or dispute resolution services from the Marine Corps FOIA Public Liaison, Ms. Sally Hughes, at hqmcfoia@usmc.mil or (703) 614-4008, and/or the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.a.julka@navy.mil or (703) 697-0031. You may also contact the Office of Government Information Services (OGIS) for assistance and/or dispute resolution at ogis@nara.gov or 1-877-684-6448. For more information online about services provided by OGIS, please visit their website at <https://ogis.archives.gov>.

Any questions concerning this matter should be directed to me at william.g.williamson@usmc.mil, at DSN: 645-9429.

I am the official responsible for the partial denial of your request.

Sincerely,

A handwritten signature in black ink, appearing to be "W. G. Williamson Jr.", followed by a horizontal line.

W. G. WILLIAMSON JR.
Major, U.S. Marine Corps
Staff Judge Advocate
By direction